

were found to be infested with parasitic worms, and the remaining lots were found to be in whole or in part decomposed.

Within the period from March 27 to May 24, 1939, the United States attorneys for the Southern District of Ohio, Southern District of Iowa, Southern District of Indiana, and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 505 boxes of perch fillets, 123 boxes of whiting, and 30 boxes of scrod fillets at Cincinnati, Ohio; 194 boxes of ocean perch at Davenport, Iowa; 723 cases of perch fillets and 47 boxes of whiting fillets at Indianapolis, Ind., and 9 boxes of pollack fillets at Philadelphia, Pa.; alleging that the articles had been shipped within the period from on or about March 16, 1939, to on or about May 4, 1939, by Great Atlantic & Pacific Tea Co., from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. Certain lots were labeled in part variously: "North East Perch Fillets"; "Ocean Perch"; "Seakist Fillets"; "Gorton's Butterfly Whiting Fillets Packed by Gorton Pew Fisheries, Ltd." The remaining lots were unlabeled.

The libels alleged that the articles were adulterated in that portions consisted in whole or in part of a filthy animal substance, other portions consisted in whole or in part of a decomposed animal substance, and others consisted in whole or in part of a decomposed and putrid animal substance.

Between the dates of May 23 and June 23, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30751. Adulteration of dried pears. U. S. v. Guggenhime & Co. Plea of guilty. Fine, \$100. (F. & D. No. 42725. Sample No. 37128-D.)**

This product was insect-infested and contained dead worms and other filth.

On June 5, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guggenhime & Co., a corporation having a place of business at San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 8, 1938, from the State of California into the State of Texas, of a quantity of dried pears which were adulterated. The article was labeled in part: "Fuchsia Brand California Extra Choice Halved Pears."

It was alleged to be adulterated in that it consisted in part of a filthy vegetable substance.

On June 16, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30752. Misbranding of vanilla extract. U. S. v. 3,000 Bottles of Pure Extract of Vanilla. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. No. 44475. Sample No. 44730-D.)**

This product was represented to be pure vanilla flavor but consisted of a hydroalcoholic solution of vanilla flavor and artificial flavor.

On December 7, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,000 bottles of vanilla extract at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 12, 1938, by Commercial Coffee Co. from St. Louis, Mo.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "King Bee Brand Pure Extract of Vanilla."

It was alleged to be misbranded in that the statement on the bottle label, "Pure Extract of Vanilla," was false and misleading and tended to deceive and mislead the purchaser, since analysis revealed it to be a hydroalcoholic solution of vanilla and artificial flavor.

On July 7, 1939, Joseph Frimel, Jr., trading as Commercial Coffee Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*